

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN AGRAMONTE, on behalf of  
himself and all other similarly situated  
employees,

Case No.: 14-cv-3074 (PAE)

Plaintiff,

**NOTICE OF MOTION FOR  
CONDITIONAL CERTIFICATION**

v.

RICHARD SHRAGER and RICH FOODS 37,  
LLC,

Defendants.  
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**PLEASE TAKE NOTICE** that upon the declaration of Richard M. Garbarini, Esq., the declaration of Plaintiff Jonathan Agramonte and upon the annexed exhibits and accompanying memorandum of law served and filed herewith, Plaintiff will move this court before the Honorable Paul A. Engelmayer, U.S.D.J., at 500 Pearl Street, New York, NY on a date and time set by this Court, for an order pursuant to 29 U.S.C. § 216(b) ("Fair Labor Standards Act") and specifically for entry of an Order:

- (a) approving the text of the enclosed Notice of Pendency and Consent to Become a Party Plaintiff;
- (b) permitting Plaintiff to circulate a Notice of Pendency and Consent to Become a Party Plaintiff;
- (c) requiring Defendants to post the Notice of Pendency and Consent to Become a Party Plaintiff in a conspicuous location in the workplace;
- (d) requiring Defendants provide Plaintiff's counsel with all "Form I-9" information including a complete list of names, e-mail addresses, residential addresses, phone

numbers, last four digits of their social security numbers and primary spoken and written languages for all delivery persons employed by Defendants from six years preceding the filing of the complaint until the date this motion is decided in both paper and electronic form;

(e) permitting all delivery workers 60 days to opt into this case;

(f) tolling the statute of limitations for all delivery workers from the date of this motion until the date the Court issues an order on this motion; and,

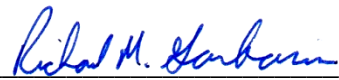
(g) for any relief that the Court finds just

**PLEASE TAKE FURTHER NOTICE** that Plaintiff requests oral argument on this motion.

Dated: August 4, 2014  
New York, New York

Respectfully submitted,

**GARBARINI FITZGERALD P.C.**

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*Attorneys for Plaintiff*